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REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
703427.4002

In re Application of: Ying Wen Hsu

Application No. 10/676,628

Filed: 09/30/2003

For: LOS LOSS OPTICAL SWITCHING SYSTEM

The owner*, **NEWPORT OPTICOM, INC.** of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. **6,647,168 B2**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☐ The undersigned is an attorney or agent of record.

NEWPORT OPTICOM, INC.

Dated: 12-13-04BY: 

Ying Wen Hsu, President

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d). The Commissioner is authorized to charge Deposit Account No. **150665** for the necessary fees, and is authorized to charge any additional fees that may be required and to credit any overpayments to said Deposit Account **150665**.

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